

AMENDED IN SENATE AUGUST 18, 2014

AMENDED IN SENATE JUNE 26, 2014

AMENDED IN ASSEMBLY MAY 23, 2014

AMENDED IN ASSEMBLY APRIL 22, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1570

Introduced by Assembly Member Chesbro

January 30, 2014

An act to amend, repeal, and add Sections 1569.23, 1569.625, and 1569.626 of the Health and Safety Code, relating to care facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1570, as amended, Chesbro. Residential care facilities for the elderly.

Existing law provides for the licensure and regulation of residential care facilities for the elderly by the State Department of Social Services. Violation of these provisions is a misdemeanor. Existing law requires, as a requirement for licensure, that the applicant demonstrate that he or she has successfully completed a certification program approved by the department that includes, at a minimum, 40 hours of classroom instruction, and provides that successful completion of the certification program shall be demonstrated by passing a written test and submitting a \$100 fee to the department for the issuance of a certificate of completion. Existing law also requires the department to adopt regulations to require staff members of residential care facilities for the elderly who assist residents with personal activities of daily living to receive appropriate training, which includes 10 hours within the first 4

weeks of employment and 4 hours annually thereafter. Existing law requires all residential care facilities for the elderly that advertise or promote special care, special programming, or a special environment for persons with dementia to meet additional training requirements for all direct staff.

This bill would, effective January 1, 2016, instead, require the certification program for an applicant for licensure to consist of 100 hours of course work and a state-administered examination of no less than 100 questions. The bill would require the examination to reflect the uniform core of knowledge required and would require the department, no later than July 1, 2016, and every other year thereafter, to review and revise the examination to reflect changes in law and regulations in order to ensure the rigor and quality of the examination. *The bill would also change the certification fee to an amount not to exceed \$150.* The bill would require staff members of residential care facilities for the elderly who assist residents with personal activities of daily living to receive ~~40~~ 20 hours of training before working independently with residents, *an additional 20 hours within the first 4 weeks of employment*, and an additional 20 hours annually, as prescribed. The bill would also apply the training requirements specific to dementia care to all residential care facilities for the elderly.

By expanding the scope of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1569.23 of the Health and Safety Code
- 2 is amended to read:
- 3 1569.23. (a) As a requirement for licensure, the applicant
- 4 shall demonstrate that he or she has successfully completed a
- 5 certification program approved by the department.

1 (b) The certification program shall be for a minimum of 40
2 hours of classroom instruction and include a uniform core of
3 knowledge which shall include all of the following:

4 (1) Law, regulations, policies, and procedural standards that
5 impact the operations of residential care facilities for the elderly.

6 (2) Business operations.

7 (3) Management and supervision of staff.

8 (4) Psychosocial need of the elderly residents.

9 (5) Physical needs for elderly residents.

10 (6) Community and support services.

11 (7) Use, misuse, and interaction of drugs commonly used by
12 the elderly.

13 (8) Resident admission, retention, and assessment procedures.

14 (c) Successful completion of the certification program shall be
15 demonstrated by passing a written test and submitting a fee of one
16 hundred dollars (\$100) to the department for the issuance of a
17 certificate of completion.

18 (d) The department shall establish by regulation the program
19 content, the testing instrument, process for approving certification
20 programs, and criteria to be used for authorizing individuals or
21 organizations to conduct certification programs. These regulations
22 shall be developed with the participation of provider organizations.

23 (e) This section shall apply to all applications for licensure
24 unless the applicant provides evidence that he or she has a current
25 license for another residential care facility for the elderly which
26 was initially licensed prior to July 1, 1989, or has successfully
27 completed an approved certification program within the prior five
28 years.

29 (f) If the applicant is a firm, partnership, association, or
30 corporation, the chief executive officer, or other person serving in
31 a like capacity, or the designated administrator of the facility, shall
32 provide evidence of successfully completing an approved
33 certification program.

34 (g) This section shall remain in effect only until January 1, 2016,
35 and as of that date is repealed, unless a later enacted statute, that
36 is enacted before January 1, 2016, deletes or extends that date.

37 SEC. 2. Section 1569.23 is added to the Health and Safety
38 Code, to read:

1 1569.23. (a) As a requirement for licensure, the applicant shall
2 demonstrate that he or she has successfully completed a
3 certification program approved by the department.

4 (b) The certification program shall consist of both of the
5 following:

6 (1) One hundred hours of coursework, at least 60 hours of which
7 shall be attended in person.

8 (2) A state-administered examination consisting of no less than
9 100 questions. The examination shall reflect the uniform core of
10 knowledge required pursuant to subdivision (c).

11 (c) The certification program shall include a uniform core of
12 knowledge which shall include all of the following:

13 (1) Law, including regulations, policies, and procedural
14 standards that impact the operations of residential care facilities
15 for the elderly.

16 (2) Business operations.

17 (3) Management and supervision of staff.

18 (4) Psychosocial need of the elderly residents.

19 (5) Physical needs for elderly residents.

20 (6) Community and support services.

21 (7) Medication management, including use, misuse, and
22 interaction of drugs commonly used by the elderly, including
23 antipsychotics, and the adverse effects of psychotropic drugs for
24 use in controlling the behavior of persons with dementia.

25 (8) Resident admission, retention, and assessment procedures.

26 (9) Managing Alzheimer's disease and related dementias,
27 including nonpharmacologic, person-centered approaches to
28 dementia care.

29 (10) Managing the physical environment, including maintenance
30 and housekeeping.

31 (11) Residents' rights, and the importance of initial and ongoing
32 training for all staff to ensure residents' rights are fully respected
33 and implemented.

34 (12) Cultural competency and sensitivity in issues relating to
35 the underserved, aging, lesbian, gay, bisexual, and transgender
36 community.

37 (13) Postural supports, restricted health conditions, and hospice
38 care.

39 (d) Successful completion of the certification program shall be
40 demonstrated by passing the state-administered examination and

1 submitting a fee of ~~one hundred dollars (\$100)~~ *not to exceed one*
2 *hundred fifty dollars (\$150)* to the department for the issuance of
3 a certificate of completion.

4 (e) (1) The department shall establish by regulation the program
5 content, the testing instrument, process for approving certification
6 programs, and criteria to be used for authorizing individuals or
7 organizations to conduct certification programs. These regulations
8 shall be developed with the participation of provider organizations.

9 (2) The department shall ensure that the examination consists
10 of at least 100 questions and allows an applicant to have access to
11 the California Residential Care Facility for the Elderly ~~Act, related~~
12 ~~regulations, and the evaluator manual Act and related regulations~~
13 during the examination. The department, no later than July 1 of
14 every other year, shall review and revise the examination in order
15 to ensure the rigor and quality of the examination. Each year, the
16 department shall ensure by January 1 that the exam is not in conflict
17 with current law. The department may convene a stakeholder group
18 to assist in developing and reviewing test questions.

19 (f) This section shall apply to all applications for licensure unless
20 the applicant provides evidence that he or she has a current license
21 for another residential care facility for the elderly which was
22 initially licensed prior to July 1, 1989, or has successfully
23 completed an approved certification program within the prior five
24 years.

25 (g) If the applicant is a firm, partnership, association, or
26 corporation, the chief executive officer, or other person serving in
27 a like capacity, or the designated administrator of the facility, shall
28 provide evidence of successfully completing an approved
29 certification program.

30 (h) This section shall become operative on January 1, 2016.

31 SEC. 3. Section 1569.625 of the Health and Safety Code is
32 amended to read:

33 1569.625. (a) The Legislature finds that the quality of services
34 provided to residents of residential care facilities for the elderly is
35 dependent upon the training and skills of staff. It is the intent of
36 the Legislature in enacting this section to ensure that direct-care
37 staff have the knowledge and proficiency to carry out the tasks of
38 their jobs.

39 (b) The department shall adopt regulations to require staff
40 members of residential care facilities for the elderly who assist

1 residents with personal activities of daily living to receive
2 appropriate training. This training shall consist of 10 hours of
3 training within the first four weeks of employment and four hours
4 annually thereafter. This training shall be administered on the job,
5 or in a classroom setting, or any combination of the two. The
6 department shall establish, in consultation with provider
7 organizations, the subject matter required for this training.

8 (c) The training shall include, but not be limited to, all of the
9 following:

- 10 (1) Physical limitations and needs of the elderly.
- 11 (2) Importance and techniques for personal care services.
- 12 (3) Residents' rights.
- 13 (4) Policies and procedures regarding medications.
- 14 (5) Psychosocial needs of the elderly.

15 (d) This section shall remain in effect only until January 1, 2016,
16 and as of that date is repealed, unless a later enacted statute, that
17 is enacted before January 1, 2016, deletes or extends that date.

18 SEC. 4. Section 1569.625 is added to the Health and Safety
19 Code, to read:

20 1569.625. (a) The Legislature finds that the quality of services
21 provided to residents of residential care facilities for the elderly is
22 dependent upon the training and skills of the staff. It is the intent
23 of the Legislature in enacting this section to ensure that direct-care
24 staff have the knowledge and proficiency to carry out the tasks of
25 their jobs.

26 (b) (1) The department shall adopt regulations to require staff
27 members of residential care facilities for the elderly who assist
28 residents with personal activities of daily living to receive
29 appropriate training. This training shall consist of 40 hours of
30 ~~training to be completed before a staff member begins working~~
31 ~~independently with residents. The 40 hours of training shall consist~~
32 ~~of 24 hours of coursework training prior to resident contact,~~
33 ~~including 12 training. A staff member shall complete 20 hours,~~
34 ~~including six hours specific to dementia care, as required by~~
35 ~~subdivision (a) of Section 1569.626 and four hours specific to~~
36 ~~postural supports, restricted health conditions, and hospice care,~~
37 ~~as required by subdivision (a) of Section 1569.696. 1569.696,~~
38 ~~before working independently with residents. The remaining 20~~
39 ~~hours shall include six hours specific to dementia care and shall~~
40 ~~be completed within the first four weeks of employment. The~~

1 training coursework may utilize various methods of instruction,
2 including, but not limited to, lectures, instructional videos, and
3 interactive online courses. The additional 16 hours shall be
4 hands-on training.

5 (2) In addition to paragraph (1), training requirements shall also
6 include an additional 20 hours annually, ~~including the first year~~
7 ~~of employment~~, eight hours of which shall be dementia care
8 training, as required by subdivision ~~(b)~~ (a) of Section 1569.626,
9 and ~~two~~ four hours of which shall be specific to postural supports,
10 restricted health conditions, and hospice care, as required by
11 subdivision (a) of Section 1569.696. This training shall be
12 administered on the job, or in a classroom setting, or ~~both~~ both,
13 and may include online training.

14 (3) The department shall establish, in consultation with provider
15 organizations, the subject matter required for the training required
16 by this section.

17 (c) The training shall include, but not be limited to, all of the
18 following:

- 19 (1) Physical limitations and needs of the elderly.
- 20 (2) Importance and techniques for personal care services.
- 21 (3) Residents' rights.
- 22 (4) Policies and procedures regarding medications.
- 23 (5) Psychosocial needs of the elderly.
- 24 (6) Dementia care, including the use and misuse of
25 antipsychotics, the interaction of drugs commonly used by the
26 elderly, and the adverse effects of psychotropic drugs for use in
27 controlling the behavior of persons with dementia.
- 28 (7) The special needs of persons with Alzheimer's disease and
29 dementia, including nonpharmacologic, person-centered approaches
30 to dementia care.
- 31 (8) Cultural competency and sensitivity in issues relating to the
32 underserved, aging, lesbian, gay, bisexual, and transgender
33 community.

34 (d) This section shall not apply to certified nurse assistants,
35 certified pursuant to Article 9 (commencing with Section 1337)
36 of Chapter 2, licensed vocational nurses, licensed pursuant to
37 Chapter 6.5 (commencing with Section 2840) of Division 2 of the
38 Business and Professions Code, and registered nurses, licensed
39 pursuant to Chapter 6 (commencing with Section 2700) of Division

1 2 of the Business and Professions Code, except both of the
2 following shall apply:

3 (1) A licensed or certified health professional with valid
4 certification shall receive eight hours of training on resident
5 characteristics, resident records, and facility practices and
6 procedures prior to providing direct care to residents.

7 (2) In addition to paragraph (1), a certified nurse assistant shall
8 also receive the 12 hours of dementia care training specified in
9 Section 1569.626 and the annual training specified in paragraph
10 (2) of subdivision (b).

11 (e) This section shall become operative on January 1, 2016.

12 SEC. 5. Section 1569.626 of the Health and Safety Code is
13 amended to read:

14 1569.626. (a) All residential care facilities for the elderly that
15 advertise or promote special care, special programming, or a special
16 environment for persons with dementia, in addition to complying
17 with the training requirements described in Section 1569.625, shall
18 meet the following training requirements for all direct care staff:

19 (1) Six hours of resident care orientation within the first four
20 weeks of employment. All six hours shall be devoted to the care
21 of persons with dementia. The facility may utilize various methods
22 of instruction, including, but not limited to, preceptorship,
23 mentoring, and other forms of observation and demonstration. The
24 orientation time shall be exclusive of any administrative instruction.

25 (2) Eight hours of in-service training per year on the subject of
26 serving residents with dementia. This training shall be developed
27 in consultation with individuals or organizations with specific
28 expertise in dementia care or by an outside source with expertise
29 in dementia care. In formulating and providing this training,
30 reference may be made to written materials and literature on
31 dementia and the care and treatment of persons with dementia.
32 This training requirement may be satisfied in one day or over a
33 period of time. This training requirement may be provided at the
34 facility or offsite and may include a combination of observation
35 and practical application.

36 (b) This section shall remain in effect only until January 1, 2016,
37 and as of that date is repealed, unless a later enacted statute, that
38 is enacted before January 1, 2016, deletes or extends that date.

39 SEC. 6. Section 1569.626 is added to the Health and Safety
40 Code, to read:

1 1569.626. (a) All residential care facilities for the elderly shall
2 meet the following training requirements, as described in Section
3 1569.625, for all direct care staff:

4 (1) Twelve hours of dementia care training, *six of which shall*
5 *be completed* before a staff member begins working independently
6 ~~with residents.~~ *residents, and the remaining six hours of which*
7 *shall be completed within the first four weeks of employment.* All
8 12 hours shall be devoted to the care of persons with dementia.
9 The facility may utilize various methods of instruction, including,
10 but not limited to, preceptorship, mentoring, and other forms of
11 observation and demonstration. The orientation time shall be
12 exclusive of any administrative instruction.

13 (2) Eight hours of in-service training per year on the subject of
14 serving residents with dementia. This training shall be developed
15 in consultation with individuals or organizations with specific
16 expertise in dementia care or by an outside source with expertise
17 in dementia care. In formulating and providing this training,
18 reference may be made to written materials and literature on
19 dementia and the care and treatment of persons with dementia.
20 This training requirement may be satisfied in one day or over a
21 period of time. This training requirement may be provided at the
22 facility or offsite and may include a combination of observation
23 and practical application.

24 (b) This section shall become operative on January 1, 2016.

25 SEC. 7. No reimbursement is required by this act pursuant to
26 Section 6 of Article XIII B of the California Constitution because
27 the only costs that may be incurred by a local agency or school
28 district will be incurred because this act creates a new crime or
29 infraction, eliminates a crime or infraction, or changes the penalty
30 for a crime or infraction, within the meaning of Section 17556 of
31 the Government Code, or changes the definition of a crime within
32 the meaning of Section 6 of Article XIII B of the California
33 Constitution.